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December 1, 2004

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**To:** A. Kosar - Examiner

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**Comments:** U.S. Patent Application Serial No. 10/800,179 filed March 12, 2004  
entitled **USE OF REPEAT SEQUENCE PROTEIN POLYMERS IN  
PERSONAL CARE COMPOSITIONS**  
Our Docket DOC 0057 PA/40218.142

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

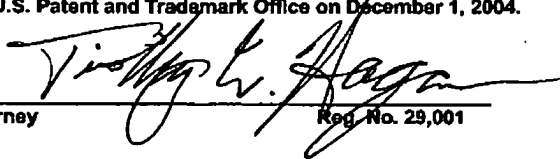
Applicants : Manoj Kumar and William Cuevas  
Serial No. : 10/800,179  
Filed : March 12, 2004  
Title : **USE OF REPEAT SEQUENCE PROTEIN POLYMERS IN PERSONAL CARE COMPOSITIONS**  
Docket : DOC0057PA/40218.142  
Examiner : A. Kosar  
Art Unit : 1654  
Conf. No. : 8989

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## CERTIFICATE OF FACSIMILE TRANSMISSION

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Attorney Reg. No. 29,001

**RESPONSE TO RESTRICTION AND SPECIES ELECTION REQUIREMENTS**

This paper is being filed in response to the Office Action mailed November 4, 2004. In that Action, the Examiner required restriction among the following inventions:

Group I: claim 2, drawn to a personal care composition comprising a repeat amino acid sequence polymer derived from various proteins, such as dragline silk;

Group II: claims 3-11, drawn to the composition of claim 1 comprising the sequence:  
 $T_y[(A_n)_x(B)_b(A'_{n'})_x(A''_{n''})_x]_i T_y$ ;

Group III: claim 15, drawn to the composition of claim 1 comprising SEQ ID NO:19;

Group IV: claims 16-30, drawn to the composition of claim 1 which is a hair care, skin care, nail care, cosmetic, oral care, or over-the-counter pharmaceutical composition;

Group IVa: claims 17 and 24-26, drawn to the composition of claim 16 which is a hair care composition;

Group IVa(1): claims 24 and 25, drawn to the composition of claim 17 which is a shampoo or conditioner;

Group IVa(2): claim 26, drawn to the composition of claim 17 which is a chemical treatment, i.e. dyes, relaxers, etc.;

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Group IVb: claims 18, 19 and 27, drawn to the composition of claim 16 which is a skin care composition;

Group IVc: claims 20, 21 and 28-30, drawn to the composition of claim 16 which is a cosmetic composition;

Group IVc(1): claim 28, drawn to the composition of claim 21 which is mascara;

Group IVc(2): claim 29, drawn to the composition of claim 21 which is pressed powder;

Group IVc(3): claim 30, drawn to the composition of claim 21 which is foundation;

Group IVd: claim 22, drawn to the composition of claim 16 which is a nail care composition;

Group IVe: claim 23, drawn to the composition of claim 16 which is an oral care composition;

Group V: claims 32 and 33, drawn to a process of making a personal care composition;

Applicants hereby elect the invention identified as Group II, claims 3-11, for prosecution. Applicants also submit that the subject matter of claim 15, Group III, is a composition that is encompassed by the Group II compositions. That is, the specific repeat sequence protein polymer recited in claim 15 has a structural formula as recited in claim 3. Applicants request that the Examiner examine Claim 15 along with elected claims 3-11.

Applicants also note that the Examiner indicated in the Action that the subject matter of claims 12-14 and 31 was included in all identified invention groups. Thus, applicants also request that claims 12-14 and 31 be examined at this time along with claims 3-11 and 15.

In the Action, the Examiner also required applicants to elect a single disclosed species. The Examiner stated that if applicants elected Group II pursuant to the restriction requirement, that for the species election "a single peptide sequence/SEQ ID NO." must be elected as the peptide of the invention. Responsive to the species election requirement, applicants hereby elect the peptide sequence identified in the specification as SEQ. ID NO. 19. That peptide has a structural formula that corresponds to the formula set forth in claim 3 of elected Group II.

In the Office Action, the Examiner identified several claims as "linking claims" that linked different identified invention groups. Applicants understand that the Examiner will

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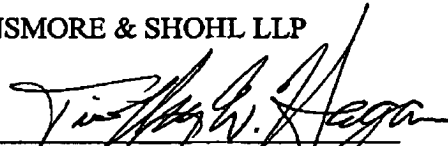
follow the linking claim practice set forth in MPEP §809 which states: "The linking claims must be examined with the invention elected, and should any linking claim be allowed, the restriction requirement must be withdrawn."

Applicants await an action on the merits of the elected claims.

Respectfully submitted,

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